

Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 7

Remarks

The claims have been amended to provide further clarification. The amendments are clearly supported by the original disclosure, particularly at page 14, lines 18-23. No new matter has been added. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides a distinctive absorbent article which has an absorbent, and is configured for disposition within the vestibule of a female wearer. The absorbent article includes a principal longitudinal axis, a principal transverse axis, a body-facing surface and a surface opposed to the body-facing surface. The absorbent article has a length, a width, a thickness, first and second spaced apart longitudinal sides, and first and second spaced apart transverse end areas. The longitudinal sides extend between the transverse end areas and collectively define the periphery of the absorbent article. Tabs extend outward from the periphery of the transverse end areas of the absorbent article. In a particular aspect, each of the tabs at the first and second transverse end areas has a length which is no greater than about 70 mm. Further aspects of the invention are set forth in the specification and claims.

The article of the invention can more readily be grasped by the fingers of the user to aid in the application and removal of the labial pad. In a particular aspect, the length of each tab has been distinctively configured for grasping by the fingers of a user's hand in a manner that provides an efficient folding of the article prior to disposition within the vestibule of the female wearer. Additionally, the size of the tabs can help minimize the likelihood that the user's fingers will come into contact with the soiled, body-facing portions of the pad. If either of the tabs is too long, the gripping of the fingers may not be adequately positioned to provide an efficient folding of the article by the user's hand. Additionally, the extra length can become wrapped or entangled about the user's hand during the folding operation, and allow an undesired twisting of the article that further interferes with the desired folding of the article.

Claims 1, 3-12, 14-24 and 26-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,613,031 to Glasgow et al. (hereinafter Glasgow). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Glasgow describes a sanitary napkin having a front flap that adhesively attaches to the user's undergarment and a tail strip that extends rearwardly to reside in the user's intergluteal crevice. The pad thus fits more snugly against the body of the user, and the strip provides improved body contact.

Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 8

Glasgow does not disclose or suggest an arrangement wherein at least one tab extends outward from the periphery of each of the first and second transverse end areas of the article, and each tab has the configuration called for by the claimed invention. In particular, Glasgow does not teach an arrangement in which each of the tabs has a length which is no greater than about 70 mm. As a result, when compared to the claimed invention, the long tail strip taught by Glasgow would be less able to be efficiently grasped by the fingers of a user's hand at locations adjacent the end edges of the absorbent, and would be less able to efficiently provide an intended folding of the article prior to disposition within the vestibule of the female wearer. Additionally, the long tail strip taught by Glasgow would undesirably increase the likelihood that the fingers of the user's hand will come into contact with the soiled, body-facing portions of the pad or tab. The long tail strip taught by Glasgow could also excessively interfere with the desired gripping at locations adjacent the edges of the absorbent to generate the desired folding operation. The extra length of the tail strip could undesirably wrap about the user's fingers, and could cause an undesired twisting of the article that would further interfere with a folding of the article.

Recognizing that Glasgow does not teach Applicants' claimed invention, the Examiner's rejection has been based upon 35 U.S.C. § 103(a).

Contrary to the Examiner's assertions, however, it is submitted that Glasgow provides no motivation for making the changes needed to synthesize the configurations called for by Applicants' presented claims. To the contrary, it is readily apparent that Glasgow teaches away from Applicants' claimed invention. Glasgow clearly teaches that the positioning of the long tail strip into the intergluteal crevice is important to secure the tail end of the pad. In particular, at column 4, lines 22-26 Glasgow states:

"As illustrated in FIG. 5 the intergluteal tail is placed by the wearer in her intergluteal crevice.

This positioning of the tail into this area is sufficient to secure the tail end of the pad."

Glasgow also teaches that the intergluteal tail has an acceptable length of 10 to 30 cm. In particular, at column 5, lines 3-6, Glasgow states:

"The tail extends 15 cm from the rear end 19 of the main pad body. A range in length from 10 to 30 cm would be acceptable. Preferably, the tail's length ranges from 12 to 18 cm."

While Glasgow teaches a raised area of the main body pad for insertion into the vagina (at column 5, lines 22-25), Glasgow does not disclose or suggest an article that is configured to be folded prior to disposition within the vestibule of the female wearer, as called for by the claimed invention. Instead, Glasgow teaches that an acceptable intergluteal tail should be quite long to reach the intergluteal region of the wearer. As a result, Glasgow clearly does not disclose or suggest a deletion of the

Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 9

intergluteal tail and a substitution of the distinctively configured tab arrangement called for by Applicants' currently presented claims. Glasgow provides no motivation for such a modification. Indeed, to do so would clearly defeat an essential purpose of the structure taught by Glasgow. Accordingly, Glasgow clearly teaches away from the changes needed to synthesize Applicants' claimed invention.

It is respectfully submitted that the particular combinations of features that are called for by the claimed invention would **not** be apparent or "obvious" to the skilled person in view of the teachings of Glasgow. Only by using "hindsight" and by employing Applicants' disclosure as an instruction guide for picking and choosing disparate elements from a universe of possible features would the skilled person be led to the modifications needed to synthesize the configurations of the claimed invention. In the absence of Applicants' disclosure, however, the required changes would be unapparent and unobvious to the skilled person. It is, therefore, respectfully submitted that Applicants' claimed invention is patentable over the reference cited by the Examiner.

As a result, when compared to the configurations called for by Applicants' presented claims, the structures taught by Glasgow would be less able to be efficiently grasped by the fingers of the user's hand to fold the labial pad and to aid in the application and removal of a labial pad. Additionally, the structures taught by Glasgow would be less able to minimize the likelihood that the user's fingers will come into contact with the soiled, body-facing portions of a labial pad. Accordingly, the configurations of the claimed invention do serve a useful purpose, and are not a mere matter of design choice. It is, therefore, readily apparent that Glasgow does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Claims 4, 7, 16, 19, 28 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,613,031 to Glasgow et al. (Glasgow) in view of U.S. Patent 5,713,886 to Sturino (hereinafter Sturino). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Sturino describes a sanitary napkin or panty liner especially for use with G-string and thong type undergarments. The panty liner includes an absorbent core having first and second portions. The opposed sides of the second portion flare continuously from the sides of the first portion so that the second portion has, at all points along its length, a transverse width greater than that of the first portion. A casing surrounds the absorbent core. One flap extends laterally from the casing adjacent the first portion of the absorbent core. Another flap extends laterally from the casing

Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 10

adjacent each of the opposed sides of the second portion of the absorbent core. An adhesive strip is secured to each of the flaps for attachment to an undergarment.

A proper combination of Glasgow and Sturino, however, does not disclose or suggest the distinctive changes and modifications needed to synthesize the labial pad, as called for by Applicants' presented claims. Neither does a combination of Glasgow and Sturino disclose or suggest the changes needed to generate a configuration wherein at least one tab extends outward from the periphery of each of the first and second transverse end areas of the article, and each of the tabs has the configurations called for by the claimed invention.

As a result, a proper combination of Glasgow and Sturino would still fail to cure the deficiencies of Glasgow. When compared to the configurations called for by Applicants' presented claims, the structures taught by a proper combination of Glasgow and Sturino would remain less able to be efficiently grasped by the fingers of the user's hand to fold the labial pad and to aid in the application and removal of a labial pad. Additionally, the structures taught by a proper combination of Glasgow and Sturino would be less able to minimize the likelihood that the user's fingers will come into contact with the soiled, body-facing portions of a labial pad. It is, therefore, readily apparent that a proper combination of Glasgow and Sturino does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

Claims 6, 8, 11, 18, 20, 23, 30, 32 and 36 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,613,031 to Glasgow et al. (Glasgow) in view of U.S. Patent 5,509,914 to Osborn, III (hereinafter Osborn). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Osborn describes a sanitary napkin having a body surface and a garment surface and being comprised of an absorbent means underlaid by a liquid barrier means, wherein the sanitary napkin is relatively highly flexible and has a capacity great enough to handle medium to high menstrual flows. In a preferred embodiment, the sanitary napkin comprises, from the body surface down, an apertured formed film topsheet, an apertured nonwoven wipe acquisition sheet, a wet-laid tissue, a superabsorbent core, and a barrier sheet. Preferably, the central width of the absorbents is at least about 6.5 centimeters and the caliper of the napkin as a whole is less than about 2.6 millimeters. In a preferred embodiment, the napkin has laterally extending flaps which drape over the edges of the wearer's panties in the crotch and are attachable to the garment side of the wearer's panties.

Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 11

It is readily apparent, however, that a proper combination of Glasgow and Osborn would fail to cure the deficiencies of Glasgow. A proper combination of Glasgow and Osborn would still not disclose or suggest the changes and modifications needed to synthesize the labial pad, as called for by Applicants' presented claims. Neither would a proper combination of Glasgow and Osborn disclose or suggest the changes needed to generate a configuration wherein at least one tab extends outward from the periphery of each of the first and second transverse end areas of the article, and each of the tabs has the configurations called for by the claimed invention.

As a result, when compared to the configurations called for by Applicants' presented claims, the structures taught by a proper combination of Glasgow and Osborn would remain less able to be grasped by the fingers of the user's hand to fold the labial pad and to aid in the application and removal of a labial pad. Additionally, the structures taught by a proper combination of Glasgow and Osborn would remain less able to minimize the likelihood that the user's fingers will come in contact with the soiled, body-facing portions of a labial pad. It is, therefore, readily apparent that a proper combination of Glasgow and Osborn would still fail to disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

The Examiner's attention is drawn to the following, previously submitted items:

The electronic Supplemental Information Disclosure Statement dated May 16, 2003.

A copies of this Supplemental Information Disclosure Statements is available upon request. The Examiner is requested to make of record the receipt and review of the documents listed therein.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections and allowance of the currently presented claims are earnestly solicited.

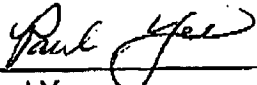
Serial No. 10/038,970 (KC 17,707)
Reply to Office Action of 01/28/2004
Page 12

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit
account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

RONALD L. EDENS, ET AL.

By: 
Paul Yee
Registration No.: 29,460
Attorney for Applicants